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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,846	09/19/2000	Eduard Bruck	22599 N1PCTU	3778

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/601,846

Applicant(s)

BRUCK, EDUARD

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007 and 08 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-37 and 39-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-37 and 39-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Claim Rejections - 35 USC § 112

Claims 23-37 and 39-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "having the form of" on line 16 of claim 23 render the claims indefinite because it is unclear if the sealing body actually is an endless bead or merely has the appearance of an endless bead. It is suggested the applicant change recitations such as "having the form of" on line 16 of claim 23, and where appropriate throughout the claims, to --comprising-- in order to avoid confusion. Recitations such as "the solid boundary layer" on line 4 of claim 44 render the claims indefinite because it is unclear to which of the plurality of boundary layers set forth above the applicant is referring.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23, 33 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fillmann in view of Isaksen and Ohya et al. Fillmann discloses a motor vehicle door internal element 12 to be arranged between a door outer side of a motor vehicle door and an inner lining wherein the motor vehicle door internal element is a support

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and sealing element having two solid boundary layers 14 and a foamed central layer 13 lying between the two solid boundary layers, wherein said solid boundary layers and said foamed central layer are made of the same thermoplastic material and define one single body, produced by a single foaming process, wherein said solid boundary layers, produced by said single foaming process, are formed integrally with each other at an end face (not numbered, but shown on the right side of the element 12 in figure 5) of the motor vehicle door internal element. Fillmann is silent concerning a porous central layer and a sealing body.

However, Isaksen discloses motor vehicle door internal element 10 having a porous foam central layer 20.

It would have been obvious to one of ordinary skill in the art to provide Fillmann with a porous foam central layer, as taught by Isaksen, improve the sound absorbing ability of the internal element.

Additionally, Ohya et al. discloses a sealing body 5 formed as an endless bead and disposed at an edge of the motor vehicle door internal element 3.

It would have been obvious to one of ordinary skill in the art to provide Fillmann with a seal, as taught by Ohya et al., to enable the internal element to form a seal with the element to which the internal element is attached.

Claims 23, 24, 26, 29, 31, 32, 33, 36, 39, 41, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. in view of Fillmann, Isaksen, and European Patent Publication No. 0 811 516. Basson et al. discloses a motor

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vehicle door internal element 201 to be arranged between a door outer side 2 of a motor vehicle door and an inner lining 1 wherein the motor vehicle door internal element is a support and sealing element, and wherein the motor vehicle door internal element further comprises a single thermoplastic material and a sealing body 204 formed as a bead and disposed at an edge of the motor vehicle door internal element as shown in figure 3, cable holders (not numbered, but shown in figure 3 as the generally horizontal grooves at the left hand end of the internal element), a cable bushing 141, a support plate (not numbered, but comprising the bottom of the cavity 211 as shown in figure 3), bridges 250, a partial wall offset 211, anchoring apertures (not numbered, but shown in figure 3A at the left vertical periphery of the element 201), threaded inserts 351.

Basson et al. is silent concerning boundary layers and a foamed central layer.

However, Fillmann discloses a motor vehicle internal element 12 having two solid boundary layers 14 and a foamed central layer 13, lying between the two solid boundary layers, wherein said solid boundary layers and said foamed central layer are made of a thermoplastic material and are zones of one single body, produced by a single foaming process, wherein said solid boundary layers are formed integrally with each other at an end face of the motor vehicle door internal element.

It would have been obvious to one of ordinary skill in the art to provide Basson et al. with a sandwich construction, as taught by Fillmann, to increase the strength to weight ratio of the door inner element.

Additionally, Isaksen discloses motor vehicle door internal element 10 having a porous foam central layer 20.

It would have been obvious to one of ordinary skill in the art to provide Basson et al., with a porous foam central layer, as taught by Isaksen, improve the sound absorbing ability of the internal element.

Finally, European Patent Publication No. 0 811 516 discloses a sealing body 35 which is in the form of an endless bead and is disposed at an edge of the motor vehicle door internal element 3.

It would have been obvious to one of ordinary skill in the art to provide Basson et al. with a seal, as taught by European Patent Publication No. 0 811 516, to provide a better seal between the internal element and the remainder of the door.

With respect to claim 36, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the internal element with a density that varies over a cross section between 0.7 and 1.4 g/cm³ in an unfoamed boundary layer and is between 0.1 and 0.6 g/cm³ in the foamed central layer.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. in view of Fillmann, Isaksen, and European Patent Publication No. 0 811 516 as applied to claims 23, 24, 26, 29, 31, 32, 33, 36, 39, 41, 42 and 43 above, and further in view of Staser et al. '096. Staser et al. '096 discloses an internal door element comprising a mounting collar (not numbered, but shown in figure 1).

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It would have been obvious to one of ordinary skill in the art to provide Basson et al., as modified above, with a mounting collar, as taught by Staser et al. '096, to more easily provide the vehicle door with a speaker.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. in view of Fillmann, Isaksen, and European Patent Publication No. 0 811 516 as applied to claims 23, 24, 26, 29, 31, 32, 33, 36, 39, 41, 42 and 43 above, and further in view of Jackson. Jackson discloses a seal member comprising a thermoplastic elastomer 20.

It would have been obvious to one of ordinary skill in the art to provide the cable bushing of Basson et al., as modified above, with a thermoplastic elastomer construction, as taught by Jackson, to provide good sealing properties while being ultraviolet light stabilized.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. in view of Fillmann, Isaksen, and European Patent Publication No. 0 811 516 as applied to claims 23, 24, 26, 29, 31, 32, 33, 36, 39, 41, 42 and 43 above, and further in view of Van Order. Van Order discloses a bush 50 having an internal screw thread.

It would have been obvious to one of ordinary skill in the art to provide Basson et al., as modified above, with a bush, as taught by Van Order, to more easily attach components directly to the internal door element.

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Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. in view of Fillmann, Isaksen, and European Patent Publication No. 0 811 516 as applied to claims 23, 24, 26, 29, 31, 32, 33, 36, 39, 41, 42 and 43 above, and further in view of Scheck et al. Scheck et al. discloses a metal plate 3 for mounting a motor (not shown, but see column 4, lines 65-67).

It would have been obvious to one of ordinary skill in the art to provide Basson et al., as modified above, with a metal plate, as taught by Scheck et al., to more securely mount the motor to the internal element.

Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. in view of Fillmann, Isaksen, and European Patent Publication No. 0 811 516 as applied to claims 23, 24, 26, 29, 31, 32, 33, 36, 39, 41, 42 and 43 above, and further in view of Bertolini et al. Bertolini et al. discloses an internal element comprising a sealing body 11 mounted in a groove (not numbered, but shown in figure 7).

It would have been obvious to one of ordinary skill in the art to provide Basson et al., as modified above, with a sealing arrangement, as taught by Bertolini et al., to ensure that the dry and wet sides of the vehicle door are properly sealed.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. in view of Fillmann, Isaksen, and European Patent Publication No. 0 811 516 as applied to claims 23, 24, 26, 29, 31, 32, 33, 36, 39, 41, 42 and 43 above, and further in

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view of Tabares. Tabares discloses a vehicle door element 20, 24 and 26 comprising a thermoplastic material made from a copolymer as a base component and a proportion of a polypropylene (see column 5, line 62 to column 6, line 2).

It would have been obvious to one of ordinary skill in the art to provide Basson et al., as modified above, with a material made from a copolymer as a base component and a proportion of a polypropylene, as taught by Tabares, to increase the impact resistance of the internal door element.

Claims 40 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basson et al. in view of Fillmann, Isaksen, and European Patent Publication No. 0 811 516 as applied to claims 23, 24, 26, 29, 31, 32, 33, 36, 39, 41, 42 and 43 above, and further in view of Ishikawa. Ishikawa, in figure 8, discloses an anchoring aperture (not numbered) surrounded by an integrally formed tab section 32 which projects from an end face (not numbered).

It would have been obvious to one of ordinary skill in the art to provide Basson et al., as modified above, with attachment means, as taught by Ishikawa, to more easily mount the internal element to the vehicle door.

Response to Arguments

Applicant's arguments filed February 5, 2007 have been considered but they are not persuasive.

In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

With respect to the applicant's comments concerning Fillmann, the examiner respectfully disagrees. Fillmann clearly discloses a motor vehicle door internal element. As applicant pointed out, Fillmann discloses a multi-layer shaped thermoplastic part which clearly includes motor vehicle door internal elements. What physical characteristics make one element a motor vehicle door internal element and another element not a motor vehicle door internal element? Additionally, Fillmann discloses the use of the same material to form the element since Fillmann discloses the use of a plastic for forming both the central layer and boundary layers. Even if Fillmann failed to disclose the use of the same material for both the central layer and the boundary layers, Basson et al. discloses the use of the same material for a motor vehicle door internal element. Next, the applicants comments concerning the "foaming agent" on page 12, lines 1-9 of the comments filed February 5, 2007 are not persuasive because they do not appear to be supported by the disclosure. The applicant's comments concerning the thickness of the mold of Fillmann are mere supposition and are not persuasive. Finally, the element of Fillmann is not required to support loudspeakers, a window lifter, etc. because a motor vehicle door internal element is not inherently required to support such items. Additionally, the teachings of Fillmann are combined with the teachings of Basson et al. the disclosure of which is clearly capable of supporting such elements.

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The applicant's comments concerning Isaksen are not persuasive because the teachings of Isaksen are combined with the teachings of Basson et al. which has the strength to support functional parts.

Conclusion

THIS ACTION IS NOT MADE FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu
Primary Examiner
Art Unit 3634
March 30, 2007